

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : **Chapter 13 Proceedings**
Angela M Haney, : **Case No.: 20-61418**
Debtor. : **Judge Russ Kendig**

**TRUSTEE'S OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN DATED SEPTEMBER 18, 2020**

Now comes Dynele L. Schinker-Kuharich, Standing Chapter 13 Trustee, for the above captioned case and objects to Confirmation of the proposed Plan of the Debtor(s) on the grounds that said Plan is in violation of 11 U.S.C. Section(s):

Chapter 7 value

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

1325 (a) (4) the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of this title on such date.

There is equity in bank accounts in the amount of \$350.00.

Disposable Income

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

And therefore fails to comply with 11 U.S.C. Section

1322 (a) (1) provide for the submission of all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan.

A proposed plan must comply with 11 U.S.C. Section

1325 (b) (1) (B) the plan provides that all the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

Schedule I lists a deduction for a garnishment in the amount of \$490.00 per month. Debtor testified at the first meeting of creditors the garnishment stopped with the Bankruptcy filing.

Schedule J shows Debtor's disposable income is \$796.61 per month, however, the Plan payment is \$450.00 per month.

OTHER:

The Plan needs amended to correctly list the 2019 Kia Optima.

The Plan is delinquent in the amount of \$519.24 as of December 2020.

Wherefore, Trustee prays that Confirmation of the Chapter 13 Plan of Debtor(s) be denied.

Respectfully submitted,

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2020, a true and correct copy of the Objection to Confirmation of Chapter 13 Plan was served via the Court's Electronic Case Filing System upon these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Office of the United States Trustee at [RegisteredEmailAddress]@usdoj.gov
- Office of the Chapter 13 Trustee, at dlisk@Chapter13Canton.com
- Mark Graziani , Counsel for Angela M Haney, at mark_graziani@yahoo.com

and by regular U.S. Mail, postage prepaid, upon:

Angela M Haney, Debtor
14000 Lincoln Street SE
Lot 76
Minerva, OH 44657

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich
Chapter 13 Trustee